

REMARKS/ARGUMENTS

Claims 1-4 and 19 remain pending and were examined. Claim 20 is newly presented and is fully supported in the application as filed. Re-examination and reconsideration of the claims, as amended, are respectfully requested.

Applicants wish to thank the Examiner for the courteous interview on October 30, 2006. At the interview, the Examiner and Applicants' representative discussed proposed amendments to put the application in condition for allowance. Applicants' representative also reiterated that Hussein did not teach a closure element that is releasably carried in a receptacle or otherwise. Applicants' representative pointed out that this deficiency in the teachings of Hussein is evidenced by Figs. 4 and 5 of Hussein which show that Hussein's balloon 136 is fixedly attached to its tubule 124 and that the walls of balloon 136 and tubule 124 are shown as being continuous.

As Applicants have discussed in the previous response and in the interview, Applicants believe that the prior amendment to claim 1 that the closure element be "releasably carried" by the sealing catheter clearly and unambiguously distinguishes away from the teachings of Hussein et al.. The phrase "releasably carried by" or similar phrases such as "releasably secured to" have been used in mechanical patent applications for decades and have been routinely accepted as distinguishing structures where two components are not intended to be released or separated. Hussein clearly teaches that its balloon 136 is fixedly attached to tubule 124 and thus **not** intended to be released or separated.

However, to further distinguish from the teachings of Hussein, Applicants have amended claim 1 to now recite that closure element may be deployed from the receptacle of the sealing catheter such that the closure element remains in the lung when the sealing catheter is removed. No where does Hussein teach or suggest such a closure element that remains in the lung when the sealing catheter is removed. Accordingly, withdrawal of the rejection is respectfully requested.

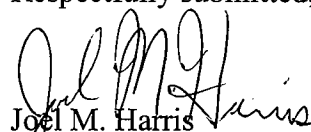
New claim 20 also recites a closure element that remains in the lung when the sealing catheter is removed. Accordingly, this claim is considered immediately allowable over all cited references including Hussein.

CONCLUSION

In view of the above remarks, Applicants believe that all remaining claims are in condition for allowance and request that the Application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (650) 326-2400.

Respectfully submitted,


Joel M. Harris
Reg. No. 44,473

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
J7H:llm
60920569 v1